IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3301 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RAMABHAI LAKHABHAI CHAVDA

Versus

KAMALABEN WD/O. HIRALAL JADAVBHAI BY P.O.A. HOLDER

Appearance:

1. Special Civil Application No. 3301 of 2004

MR BJ JADEJA for Petitioner No. 1

MR HM JADEJA for Petitioner No. 1

MR BS PATEL for Respondent No. 1

SERVED BY AFFIX.(N) for Respondent No. 1

..... for Respondent No. 2-8

MS NANDINI JOSHI AGP for Respondent No. 9

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 25/10/2004

ORAL JUDGEMENT

Rule. Mr.Vyas for Mr.B S Patel waives service of

rule. With the consent of learned counsel for the parties, the matter is taken up for hearing today.

1. The petitioner herein has preferred this petition in order to quash and set aside the judgment and order dated 16/09/2003 passed by the learned Extra Assistant Judge, Khedad at Nadiad, in Appeal No.356 of 1995 and to restore the order dated 30/11/1995 passed by the learned Civil Judge (J.D.), Dakor-Thasra, below exh.5 in Regular Civil Suit No.74 of 1994.

2. On 27/04/2004, this Court while issuing Notice, had directed the parties to the suit to maintain status quo as to the possession and user of the suit land and not to create a third party interest in the suit land or any part thereof in any manner whatsoever.

3. Having heard the learned counsel for the parties, it would be appropriate to direct the trial Court to expedite the hearing and disposal of the suit in question, on condition that the status quo imposed by this Court while issuing notice, shall remain till the suit is finally disposed of.

4. Hence, the trial Court is directed to hear and dispose of the suit in question, as expeditiously as possible, preferably within a period of one year from the date of receipt of writ of this order, on condition that the parties to the suit shall cooperate with the proceedings of the suit. It is made clear that the status quo granted by this Court qua the possession and user of the suit land and with respect to non-creation of a third party interest in the suit land or any part thereof in any manner, shall remain till the suit is finally disposed of. This Court has given the aforesaid direction mainly on the ground that the suit in question is of the year 1994.

4. However, it is made clear that this Court has passed the aforesaid order without entering into the merits of the case. The petition accordingly stands partly allowed and rule is made absolute to the above extent.

(K. S. Jhaveri, J.)

pravin/